

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS GESUALDI, LOUIS BISIGNANO,
DARIN JEFFERS, MICHAEL O'TOOLE,
MICHAEL BOURGAL, et al.,

Plaintiffs,

-against-

DOUBLE A CONTRACTING, INC.,

Defendant.

MEMORANDUM & ORDER
20-CV-5969 (EK) (ARL)

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Arlene Lindsay's Report and Recommendation ("R&R") dated January 10, 2022. ECF No. 15. Judge Lindsay recommends that this Court (1) grant Plaintiffs' motion for default judgment, but deny (on the current record) its request for damages and injunctive relief; (2) grant attorneys' fees and costs in the amount of \$12,963.51; and, (3) grant interest on late contributions in the amount of \$3,586.53. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, I grant Plaintiff's motion for default judgment in part. Plaintiff is awarded attorney's fees and costs in the amount of \$12,963.51 and \$3,586.53 in interest. Plaintiffs' motion for injunctive relief is denied. Plaintiffs' request for damages is denied with leave to renew. The Court acknowledges that, subsequent to the filing of the R&R, Plaintiffs filed an amended motion for damages (as Judge Lindsay suggested they do). That motion (ECF No. 16) is hereby referred to Judge Lindsay for report and recommendation.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: March 30, 2022
Brooklyn, New York